IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

WP(C).No. 13998 of 2004(N)

PETITIONER:

JOY A., S/O. C.V.ESTHAPPAN,
KULAPOYIKA PUTHEN VEEDU, KANRACODE, KUNDARA.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS:

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1. TAHSILDAR (RR),
PATHANAPURAM TALUK.

2. TAHSILDAR (R.R), KOLLAM.

3. MANAGER,
CATHOLIC SYRIAN BANK, BRANCH, KUNDARA.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN
SRI.PRAVEEN K. JOY
ADV. SHRI.K.P.PRADEEP, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 13998/2004

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE ISSUED to the GUARANTOR SMT.MARYKUTTY.

P2 : COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 14/04/2004.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 13998 of 2004

Dated, this the 1st day of December, 2007

J U D G M E N T

Even though liability is admitted, petitioner says that his auto-rickshaw business was complete failure and he has to settle liability only by sale of his property. In the circumstances, this writ petition is disposed of directing 3rd respondent to grant OTS benefit to the petitioner for settlement of liability and grant reasonable time to settle liability, if petitioner offers payment at least, within a period of four months. There will be direction to the 3rd respondent to waive complete penal and default interest and allow petitioner to settle liability on payment of balance loan amount with agreed rate of interest without compounded rate, if OTS benefit is less favourable to the petitioner than this arrangement.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg